

## SCHOOL ASSIGNMENT

The School Board shall assign students to the school that serves the area of their official residence. Students will attend the school designated by the School Board in the attendance zone in which the students reside in the pupil assignment plan (also called “regular school of assignment”). Exceptions to school assignment will be made in accordance with School Board Policies 8160, “*Exceptions to School Assignment Due to Attendance Zone Change*” and 8155, “*School Assignment*” as provided herein:

A. Instructional Suitability. At the discretion of the school division, students may be reassigned to a school, other than their regular school of assignment, for the purpose of providing students a more appropriate instructional program that better meets their individual educational needs and in accordance with established policies. Special programs, such as special education, have separate procedures for the placement of students. Students reassigned due to instructional suitability are entitled to transportation services provided by the school division according to established transportation policies and procedures, unless specified otherwise or reassignment is considered optional by staff but recommended to better meet the instructional (including social or emotional) needs of the student.

B. Relieving Overcrowding. At the discretion of the school division, students may be reassigned to a school other than their regular school of assignment, for the purpose of relieving overcrowding (also called “regional assignment”), if the regular school of assignment or a particular grade level at an elementary school of assignment is overcrowded. In such situations, the student may be reassigned to another school in which suitable capacity exists, with transportation provided by the school division. Effort will be made to reassign a regionally assigned student to the closest possible school with suitable capacity, and to return the student to his or her regular school of assignment at the start of the next school year in which the overcrowding situation no longer exists.

The following order of priority will be used to determine student school assignments during or immediately following regional assignments:

1. Students remaining within their regular school of assignment;
2. Students returning from a regionally assigned school to their regular school of assignment;
3. Students remaining at the regionally assigned school who would be doing so by special permission (without transportation provided by the school division);

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4. Incoming/new students with siblings already attending the school. This sub-section is intended to ensure that, to the greatest extent possible based on space availability, incoming kindergarten students and/or first graders will be able to attend the same regular school of assignment in which their older siblings are already enrolled. Only those schools projected to exceed the established grade level maximums at kindergarten and/or first grade will implement Regulation 8155 concerning sibling school assignments;

5. Incoming/new students enrolling in their regular school of assignment prior to June 10;

6. Students enrolled by special permission (see section C below); and

7. Incoming/new students enrolling after ~~June 10~~ July 1.

Each situation that falls under one of the above sub-sections is subsequently prioritized against others within that situation based on the date of enrollment at that particular school.

C. Special Permission. A parent or legal guardian may request for their student to attend a school of his or her choice by special permission of the school division under the following conditions:

### 1. Application Requirements for Special Permission

a. An appropriate request must be submitted annually by the parent or legal guardian of the student (via a special permission request) and subsequently approved by the school division prior to taking effect.

b. Sufficient capacity, as defined below, must exist at that school (or grade level in the case of elementary schools, or in special education programs or classes at any school level) for the student to do so without causing or exacerbating overcrowding or a regional assignment, or potentially incurring additional cost to the school system.

(i) — For purposes of this policy, capacity is defined at the middle and high school levels as the “base building capacity” for that particular school facility (excluding modulars) as indicated in the current Capital Improvement Program and the overall capacity of both the home school and the requested school will be considered for applications and appeals to school that are projected to be at or above 100% capacity-

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(ii)(i) At the elementary school level, capacity is defined as 95% of grade level capacity (Capacity = 95% of number of grade level classes at that school multiplied by the maximum class size for that grade level as defined in School Board Policies 5065, "*Kindergarten*" and 5080, "*Class Sizes*") and without requiring additional staffing. The overall capacity of both the home school and the requested school will be considered for applications and appeals to schools that are projected to be at or above 95% school capacity

(iii)(ii) For students with disabilities, capacity is defined as space available within the special education cross-categorical program and an appropriate instructional program is available at the requested school to adequately meet the student's educational needs as determined by the school division and without requiring additional staff or incurring additional costs.

c. There is a commitment of the student's parent or legal guardian to provide a means of reliable transportation for the student to and from the school, as transportation of the student will not be provided by the school division;

### 2. Other Factors for Special Permission:

a. Special permission shall only be approved on an annual basis at the elementary level and must be renewed each year. Students who are approved for special permission, under a renewal request, are subject to the same conditions set forth in this policy for all students on Special Permission.

b. Special permission may be approved for multiple years at the middle and high school level, until the student completes the highest-grade level at the school where special permission was granted, with the following conditions:

(i) The student's approval to the school that special permission was granted has not been rescinded, during the school year, by the parent, or legal guardian, or LCPS.

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- (ii) For over-enrolled schools, a special permission renewal request must be submitted by April 30. Renewal applications, for over- enrolled schools, received after April 30 will go through the regular special permission process. Students who are approved for special permission, under a renewal request, are subject to the same conditions set forth in this policy for all students on special permission.
- c. Special permission is contingent upon the student being in compliance with school rules and regulations and may be rescinded.
- d. Identifying and evaluating all other ramifications of attending a school by special permission is the responsibility of parent, or legal guardian, prior to submitting a request. Ramifications may include, but are not limited to, changes in future-year capacity that precludes renewal of the request for special permission and certain athletic or Virginia High School League (VHSL) participation restrictions. Below are specific guidelines regarding VHSL eligibility:
- (i) Under VHSL rules, subsequent student-requested transfers (or returning to a regular school of assignment) will generally result in 365 days of ineligibility unless there is an actual corresponding change of residence of the parent, or legal guardian. For transfers required by the school division, waivers from these restrictions may be considered by the Division Superintendent, or designee, in accordance with VHSL rules; and
- (ii) Parents, or guardians, are responsible for understanding all potential VHSL repercussions of changing schools by special permission.
3. Special Permission Application and Appeals Timeline:
- a. Special permission is a privilege for LCPS students. Special permission is not automatically approved, granted, or guaranteed year after year. To be considered for special permission an appropriate request must be submitted by the parent, or legal guardian, of the student (via a special permission request) and subsequently approved by the school division prior to taking effect. Applications for Special Permission will be processed in the following manner:

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- (i) Applications for special permission for all LCPS students may be submitted beginning on April 1 through June 30.
- (ii) LCPS school-based employees who reside in Loudoun County and who are parents or legal guardians of school-age students may apply for special permission beginning on March 1 through June 30, for their children to attend their base school, or within 30 calendar days of being hired, provided that the request is for transfer to the school where the parent, or legal guardian, is employed or drives a bus. LCPS school-based employees may also annually request special permission, beginning on March 1 through June 30, for their elementary-aged student(s) to attend an elementary school in the same cluster in which they are employed or within 30 calendar days of being hired or transferred.
- (iii) Co-curricular employees, that are not full-time LCPS employees, are not eligible to apply early for special permission for their child.
- (iv) Notwithstanding the school capacity determinations set forth within this policy, nothing in this section shall be interpreted to limit the discretion of secondary school principals to allow the children of employees based at the principals' respective schools to enroll in and attend said schools.
- (v) Special permission requests will be processed in the order in which they are received.
- (vi) Official determinations on special permission requests will be provided to the parent, or legal guardian, within 30 days of the date the request was received, except for special permission requests for students to attend kindergarten at a school other than their regular school of assignment.
- (vii) Official determinations for kindergarten students will be provided to the parent, or legal guardian, by August 1.

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(viii) Special permission requests received after the special permission deadline (June 30) will be automatically denied, but may be appealed in the following manner:

b. If a special permission request is denied, parents, or guardians, may appeal the decision in the following manner:

(a) For under-enrolled schools, or when capacity exists for elementary schools in the general education and/or special education cross-categorical program, appeals may be made directly to the Director of Student Services for review. If the request is denied by the Director of Student Services, the parent, or legal guardian, may appeal to the School Board committee per School Board Policy 2350, "Appeal of Administrative Decisions."

(b) For over-enrolled schools, appeals may be made directly to the Director of Student Services for the following reasons:

(1) the renewal request for a rising senior is submitted after April 30, or

(2) the renewal request for a rising sophomore or junior is submitted after April 30 with a letter of approval from the principal, or designee.

~~(2)~~(3) an unreported change of address.

If the request is denied by the Director of Student Services, the parent, or legal guardian, may appeal to the School Board Committee per School Board Policy 2350, "Appeal of Administrative Decisions."

(c) For special permission requests for all students where sufficient capacity exists or becomes available, without requiring additional staff or incurring additional costs, the appeal may be approved by the Director of Student Services up to one day prior to the School Board Committee hearing.

~~(c)~~(d) For special permission requests, to over-enrolled schools, that do not meet the criteria listed in 3(viii)(b) the parent, or legal guardian, may appeal to the School Board Committee per School Board Policy 2350, "Appeal of Administrative Decisions."

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(e) For School Board Committee approvals to elementary schools that are over-capacity within the grade level, students would be placed in a regional school at the end of the regionally placed students within the grade level.

~~(d)~~(f) The School Board Committee's decision is final.

D. In-County Residence Changes. Requests citing these provisions are accepted through the end of the current school year.

1. "Move Out" - A student who changes residence within Loudoun County during the school year may, upon request of the parent, or legal guardian, complete that school year in the school in which the student was originally enrolled, provided that the parent, or legal guardian, provides transportation to and from school. A student who is a junior at the time of changing residence may, upon request of the parent, or legal guardian, continue to attend the school to which he or she was enrolled prior to the change of residence, regardless of capacity, until graduation, provided that the parent, or legal guardian, provides any necessary transportation to and from school. A special permission renewal request will be required for the student to attend the school their senior year.

2. "Move In" - A student whose parent, or legal guardian, is in the process of buying, building, renting, or leasing a home in an attendance area other than the one in which they presently reside in Loudoun County may be assigned to the school that the student will attend when the family moves into their new home, provided that the school or elementary grade level is not over-capacity, and only if the lease start date or settlement date of such home will be completed within the school year. Any parent, or legal guardian, that has moved into a new attendance area may have their primary residency verified by school staff to ensure VHSL eligibility for their student. The parent, or legal guardian, must provide transportation to and from school.

E. Other Considerations

1. Renewal. Special Permission requests previously granted under paragraph C must be renewed annually beginning April 1 through June 30 for the next school year. Approvals for requests to continue to attend the requested school will be made in consultation with the principal and the director at the appropriate level (elementary, middle or high).

2. All reassignments and transfers under this policy shall be done in a non- discriminatory manner.

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### F. Charter Schools

This policy does not apply to students enrolled in Charter Schools. These students are enrolled directly by law and through the agreements with the Charter School.

[Former Policy 8-20]

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Revised: 1/11/89, 6/22/93, 7/1/97, 10/9/01, 8/9/05, 9/23/08, 9/14/10, 5/22/12, 1/22/13, 2/12/13, 6/11/13, 3/11/14, 6/24/14, 4/28/15, 1/28/16

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Leg Ref: Code of Virginia, 1950 as amended, § [22.1-7.1](#)

Cross Ref: Policy [2350](#), Appeal of Administrative Decisions

Policy [5065](#), Kindergarten

Policy [5080](#), Class Sizes

Policy [5410](#), Charter Schools

Policy [6530](#), Changing School Attendance Zones

Policy [8160](#), Exceptions to School Assignment Due to Attendance Zone Change